



8/Reg. for
Reclno.
5/15/03 DOE
PATENT

Customer No. 22,852
Attorney Docket No. 04329.2439

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Tetsuro NAKASUGI, et al.) Group Art Unit: 2881
)
Application No.: 09/669,732) Examiner: P. Johnston
)
Filed: September 26, 2000)
)
For: PATTERN OBSERVATION)
APPARATUS AND PATTERN)
OBSERVATION METHOD)

RECEIVED
MAY 13 2003
TECHNOLOGY CENTER 2800

Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR RECONSIDERATION

In reply to the Office Action dated February 12, 2003, pursuant to 37 C.F.R. § 1.111, Applicants kindly request reconsideration of the pending claims in view of the following remarks:

REMARKS

In the Office Action, the Examiner rejected claims 1–24 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,172,365 B1 (“*Hiroi*”) in view of U.S. Patent 6,157,087 (“*Zhao*”) and in further view of U.S. Patent 5,093,572 (“*Hosono*”).¹ Applicants respectfully traverse the rejection of these claims.

¹ Applicants note that, although the Examiner purports to reject claims 1–24 as unpatentable over *Hiroi* in view of *Zhao*, and in further view of *Hosono*, the Examiner applied only *Hiroi* to claims 1–4 and 11–14, applied only *Hiroi* in view of *Zhao* to claims 5, 6, 9, 10, and 15–18, and applied *Hiroi* in view of *Zhao*, and in further view of *Hosono* to claims 7, 8, and 19–24.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com